

REMARKS

Claims 1, 11, and 12 are pending. Claim 1 is amended, no claims are canceled and no claims are added. Claims 2-10 and 13-14 were previously canceled. Accordingly, claims 1, 11 and 12 remain pending for further consideration and examination. Support for the amendment to claim 1 is found throughout the application and at least in paragraphs [00134] – [00136] of the substitute specification as well as FIG. 15. Accordingly, Applicant submits that no new matter has been added.

Claim Rejections under 35 USC §112

Claims 1, 11 and 12 are rejected under 35 USC §112, second paragraph, as allegedly being indefinite for failing to point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner states that the recitation of “the carrying mode of multi-chamber container is a mode folded in two” that appears in claim 1, lines 10-12, is not clear.

While Applicant respectfully disagrees with the rejection, to expedite prosecution of this application, claim 1 is amended herein to remove the above-mentioned recitation appearing in claim 1, lines 10-12. Accordingly, Applicant submits the instant rejection is overcome and respectfully requests reconsideration and withdrawal of the same.

Claim Rejections under 35 USC §103

Claim 1 is rejected under 35 USC §103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2001/0030134 to Goglio et al., in view of U.S. Patent No. 5,423,421 to Inoue et al.

Specifically, the Examiner states that Goglio et al. discloses the claimed invention except for the following claim limitations: “an outer container body formed by at least one flexible sheet of material, the outer container body comprising a cavity; an inner container body disposed in the cavity of the outer body therein, wherein the carrying mode of the multi-chamber container is a mode folded in two” Office Action at pp. 3-4. The Examiner remedies these deficiencies by combining Goglio et al. with Inoue et al., which allegedly discloses an outer container body that includes a cavity and an inner container body disposed in the cavity wherein the carrying mode of the container is a mode folded in two. *See* Office Action at pp. 3-4. The Examiner concludes that it would have been obvious to one skilled in

the art to provide a multi-chamber inner container of Goglio et al. folded in two with an outer container as taught by Inoue et al. to prevent inadvertent opening of the multi-chamber container. Applicant respectfully disagrees and traverses the instant rejection.

Goglio et al. appears to be directed to a flexible container for products to be kept separate and mixed before use. The container is made of single-layer or multi-layer plastic material including two compartments intended to contain respective products which are kept separate and mixed before use by breaking a line of separation between the compartments. *See* Goglio et al. at Abstract.

Inoue et al. appears to be directed to a container having a plurality of chambers. The body of the container is made of flexible plastics and has partition means dividing the container body into the changers and permitting communication between the chambers when required. At least one of the chambers is enclosed with a cover to form a closed space therein. The cover is made of a flexible film having barrier properties against moisture and gas. *See* Inoue et al. at Abstract.

In contrast to the cited references, the currently claimed invention is directed to a multi-chamber container that accommodates a plurality of agents, comprising: an outer container body formed by at least one flexible sheet of material, the outer container body comprising a cavity; an inner container body disposed in the cavity of the outer body, the inner container body formed by at least one flexible sheet of material, wherein the inner container body includes a plurality of filling chambers to fill agents; a communication portion provided to each of the filling chambers, the communication portion being at least one hole that permits communication between the filling chambers and the outer container body; and an opening preventing portion that closes the communication portion in a carrying mode of the multi-chamber container, and wherein the opening preventing portion is a seal positioned between the filling chambers, the seal adapted to peel off by expanding the folded multi-chamber container to a use mode of the multi-chamber container.

Applicant submits that neither Goglio et al. nor Inoue et al. disclose or suggest a multi-chamber container that includes an outer container body and an inner container body having a plurality of filling chambers, where the plurality of filling chambers and the outer container body are in communication via at least one hole present in each of the filling chambers. Instead, Goglio et al. teaches a tube 4 being clamped between the elastic element 2 and the rod 3, which separates the container into two compartments. *See* Goglio et al. at

paragraph [0006]. Additionally, Goglio et al. describes separation of a container 10 into two compartments 11 and 12 by using a strip 15 of easy-open material, such as, for example, polyethylene or polypropylene. The strip 15 is not permanent but allows separation of the walls of the container when a certain force is exceeded. *See* Goglio et al. at paragraph [0029]. Accordingly, in order for the two compartments 11 and 12 to communicate with one another, the seal 15 must be broken.

Applicant submits that the seal 15 disclosed in Goglio et al. does not teach or in any way suggest a communication portion provided to each filling chamber, where the communication portion is at least one hole that permits communication between the filling chambers and an outer container body as recited in the instant claims. Rather, Goglio et al. simply teaches a seal that divides a container into two compartments. It cannot be said that a seal that divides a container into two compartments discloses or suggests a communication portion that is at least one hole.

Moreover, Applicant submits that Goglio et al. does not teach or suggest a multi-chamber container that has an outer container having a cavity, an inner container disposed in the cavity of the outer container, the inner container body including a plurality of filling chambers. Thus, the disclosure of Goglio et al. cannot be seen to teach or suggest a communication portion that permits communication between the filling chambers and the outer container body.

Inoue et al. fails to remedy the deficiencies of Goglio et al. since Inoue et al. also fails to teach or suggest a communication portion provided to each filling chamber, the communication portion being at least one hole that permits communication between the filling chambers and an outer container body as recited in the instant claims. Instead, Inoue et al. appears to teach a container that has two weak seal portions, 8a, 8b, that extend transversely of the container at an intermediate portion of its height and formed by heat sealing. The weak seal portions 8a, 8b, are adapted so that the opposed sheets or film making up the container can be separated from each other when required. The interior of the container is divided into two chambers 1a, 1b by the weak seal portions 8a, 8b. *See* Inoue et al. at col. 4, lines 12-37. In one embodiment, the container of Inoue et al. is enclosed with an outer bag 50. *See* Inoue et al. at col. 9, lines 45-51.

Applicant submits that the two weak seal portions 8a, 8b of Inoue et al. do not teach or suggest a communication portion that is at least one hole. The seal portions 8a, 8b of

Inoue et al. are simply *seals* that are formed by heat sealing the plastic from which the container is made of. One skilled in the art would recognize that seals formed by heat sealing plastic are not holes. Moreover, the seal portions 8a, 8b do not allow the chambers 1a, 1b to be in communication with the outer bag 50, which is in distinct contrast to the instantly claimed invention. Accordingly, there is nothing in Inoue et al. that would teach or suggest the multi-chamber container having the communication portion recited in the instant claims.

In view of the foregoing, Applicant respectfully submits the instant rejection is overcome and respectfully requests reconsideration and withdrawal of the same.

Claims 11 and 12 are rejected under 35 USC §103(a) as allegedly being unpatentable over Goglio et al. and Inoue et al. as applied to claim 1 above and further in view of U.S. Patent Application Publication No. 2004/0188281 to Iwasa et al. Applicants respectfully disagree and traverse the instant rejection.

Goglio et al. and Inoue et al. are discussed in more detail above. Iwasa et al. is directed to a medicine bag used in the medical field or the like. Specifically, the medicine bag of Iwasa et al. is used by providing a weak seal portion that divides its bag body into a plurality of division spaces, removing the sealing of the weak seal portion adjacent to a specific division space by increasing the internal pressure of that division space and mixing a medicine stored in a predetermined division space. Iwasa et al. at para. [0002].

Iwasa et al. does not remedy the lack of disclosure of Goglio et al. or Inoue et al. either taken separately or in any combination since Iwasa et al. also fails to disclose or suggest a multi-chamber container as instantly claimed having, *inter alia*, a communication portion provided to each filling chamber, where the communication portion is at least one hole that permits communication between the filling chambers and an outer container body. Accordingly, since claims 11 and 12 depend on claim 1, for the reasons discussed above with respect to claim 1, claims 11 and 12 are not rendered obvious by Goglio et al., Inoue et al., Iwasa et al., or any combination thereof. Therefore, Applicant respectfully requests reconsideration and withdrawal of the instant rejection.

Conclusion

Applicant believes that the foregoing amendments and remarks are fully responsive to the Office Action and that the claims herein are allowable. An early action to that effect is earnestly solicited.

If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is invited to telephone the undersigned.

Applicant believes that no fees are due with the submission of this Amendment. If any charges are incurred with respect to this Amendment, they may be charged to Deposit Account No. 503342 maintained by Applicant's attorneys.

Respectfully submitted,

By /Richard R. Michaud/
Richard R. Michaud
Registration No. 40,088
Attorney for Applicant

Michaud-Kinney Group LLP
306 Industrial Park Road, Suite 206
Middletown, CT 06457-1532
Tel: (860) 632-7200
Fax: (860) 632-8269